



PO BOX 15141
600 PENNSYLVANIA AVE, SE
WASHINGTON, DC 20003

MICHAEL GRAVINO
GENERAL MANAGER

(202) 604-0747
civicaffairstv@gmail.com

March 5, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: FCC Docket No. 12-268
Notice of Ex Parte Communication

Dear Ms. Dortch:

On March 5, 2013, I met with Erin McGarth, of Commissioner McDowell's office, to discuss our concerns with the Commission's incentive auction Notice of Proposed Rulemaking as it relates to the Civic Broadcast Digital Divide. Since Ms McGarth had not read our submitted comments I described in detail how satellite television subscribers and antenna television users, some 35-40% of the population which did not subscribe to cable or telco pay television services, did not receive local education and government access programming created by local jurisdictions.

I further explained that almost all local jurisdictions did not use broadcast television to distribute the content they create, such as their meetings, hearing, local emergency information, etc. but relied on the internet and the use of TV PSA's from local broadcasters. I detailed how this problem is the result of how the Cable Act was structured and how local governments now are dependent on cable franchise fees for their general funds and do not use these funds to get this vital civic content to all citizens through the use of broadcast television.

I explain our proposed remedy of a "civic broadcast station set-aside" in the post repack of stations, and that if this is not done, then civic broadcasting will be structurally eliminated post-repack. I further explained that most full-power television licensees would probably not want to be considered for such a set-aside, but that the LPTV licensees are uniquely positioned to provide this vital civic service.

In addition, I requested that the FCC conduct a national study of the civic broadcast digital divide since this research topic was left out of the *Critical Information Needs of Communities* study in 2011/2012. I estimated that this study would take six months and could provide valuable original research which the FCC lacks. I provided a detailed study of Washington, DC as an example.

Please note that I attempted to meet ex parte with all other Commissioners, staff, and the Spectrum Auction team but none of them would meet with me other than Commissioner McDowell's staff. I find this disturbing and alarming considering that 40% of the nation could be structurally left out of daily civic life if the Civic Broadcast Digital Divide is not at least studied and a remedy considered post-repack.

Respectfully submitted,

Michael Gravino